

# **EXHIBIT**

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Via Federal Express Priority Overnight – Tracking N° 7730 0848 5841 and Facsimile

MANCHESTERIENSI TRIBUNALI DIOECESANO  
NULLITATIS MATRIMONII  
( [REDACTED] )

Prot. N. [REDACTED]

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13 August 2018

Your Excellency,

I write out of **urgent and grave concern** as procurator and advocate of the [REDACTED] in the above-referenced cause of nullity of marriage pending before your Diocese in First Instance to you, the Moderator of the Tribunal of the Diocese of Manchester.

For reference, the last time I wrote to Your Excellency, I informed you of very grave abuses regarding the handling of a different cause of nullity of marriage by your Diocese (cf. *Letter* dated 2 November 2016 addressed to Your Excellency). Eventually my client in that case was obliged as a last resort to complain to the Holy See of grave abuses occurring in your Diocese as he experienced in your case, because **Your Excellency declined to intervene as required in response to my letter in contravention of your statutory obligations as Moderator of the Tribunal.**

The present grave concern consists of your Diocese having 1) named a judge to decide the present case (“Constitution of the Court”) and 2) summoned my client the respondent to be heard (“Decree of Citation”) on 6 March 2018, **prior to your Diocese having even received the *Libellus* for nullity of marriage.** This violates canon 1501 of the *Code of Canon Law* (“CIC”).

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To His Excellency  
**The Most Reverend Peter A. LIBASCI, D.D.**  
Bishop of the Diocese of Manchester  
153 Ash Street  
Manchester, New Hampshire 03104

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Additionally, the conduct of the Diocese violates art. 118 of the Instruction *Dignitas Connubii* governing nullity of marriage causes, which states:

**Art. 118 – § 1. Once a libellus has been exhibited, the Judicial Vicar must constitute a tribunal as soon as possible by his decree in accordance with artt. 48-49.** [my emphasis]

Finally, it is quite clear that the action of the judge issuing decrees in a case prior to him having even received a request by a petitioner for him to do so violates the Diocese of Manchester's *own public description* of how a process for deciding a petition for nullity of marriage is required to be handled ("Annulment Process"). Page 6 of the brochure posted on the Diocesan website states:

**After the Tribunal has accepted the Petition, the Respondent will be contacted. This step is known as "Citation of the Respondent" and is a crucial part of every trial in the Tribunal.**  
[emphasis mine]

Yet, in my client's current case, a Judge issued a decree of citation of my client well before the *libellus* was even received by the Diocese of Manchester: the *Libellus* is dated **9 March 2018**, that is, three days after the issuance of the decrees of constitution of the court and citation of the [REDACTED] which took place on **6 March 2018**. Hence, the citation is invalid, and any decision issued in the matter will be null and void pursuant to canons 1620, 4° and 1622, 5° and art. 128 of the Instruction *Dignitas Connubii*. This is because the judge has *no competency* to act in a case unless and until a libellus should have *prior in time* been filed before the Diocese. This is exactly what happened in my client's case.

Other grave violations and irregularities of universal law have been committed by your Diocesan Tribunal in the handling of this cause of nullity of marriage.

**Your Excellency, I beseech you, the Diocesan Bishop, to put an end to these grave abuses.** If Your Excellency declines to fulfill your statutory obligations to moderate your Tribunal effectively, then I will have no other choice pursuant to the norm of can. 1389, § 2 and can. 1717 CIC than to report to the Holy See not only the repeated and ongoing grave abuses on the part of the Diocese of Manchester's Tribunal judges, but also to request that the Cardinal-Secretary of State, the Congregation for Bishops, and the Supreme Tribunal of the Apostolic Signatura take cognizance of these facts and conduct

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**an apostolic investigation into what in such circumstances could potentially be construed as grave negligence on your part in the exercise of your episcopal office.**

For needs as useful, I am more than happy to travel to Manchester at Your Excellency's earliest convenience, and meet with you or any duly-appointed delegate on your part, to answer any questions that may be asked of me for the greater good of the particular church of the Diocese of Manchester.

Thanking Your Excellency for your consideration,

Most respectfully yours in Christ,

Marc Balestrieri JCL  
Procurator-Advocate of the [REDACTED]  
2858 University Avenue  
Nº 251  
Madison, Wisconsin 53705

Attachment: *Letter of 2 November 2016 to the Most Reverend Peter A. LIBASCI, D.D.*